

Exhibit 1

Cherokee Nation v. Nash
Case No.: 1:13-CV-1313 TFH

In support of the Department of the Interior's
Reply in Support of Motion for
Summary Judgment
and Surreply to the Cherokee Nation and
Principal Chief Baker's Motion
for Partial Summary Judgment

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THE CHEROKEE NATION,)

Plaintiff/Counter-Defendant,)

v.)

RAYMOND NASH, et al.)

Defendants/Cross-Claimants/)

Counter-Claimants,)

and)

MARILYN VANN, et al.)

Intervenor-Defendants/Cross-Claimants/)

Counter-Claimants,)

and)

SALLY JEWELL, SECRETARY OF THE INTERIOR,)

AND THE UNITED STATES DEPARTMENT OF)

THE INTERIOR,)

Counter-Claimants/Cross-Defendants.)

Case No. 1:13-CV-1313 TFH
Judge Thomas F. Hogan

DECLARATION OF DR. EMILY GREENWALD

I, Emily Greenwald, Ph.D., affirm and attest:

1. I have been retained by the Department of Justice to provide my expert opinion regarding Article 9 of the Treaty of 1866 with the Cherokee Nation, in connection with the case *Cherokee Nation v. Nash* (D.D.C. 1:13-CV-1313 TFH).

2. My expert opinion is contained in the report entitled “Article 9 of the 1866 Cherokee Treaty,” which is dated January 28, 2014 and which is attached hereto as Exhibit B. A copy of this report was attached to the Department of the Interior’s Motion for Summary Judgment, filed on January 31, 2014.

3. As described in the report, it is my expert opinion, based on the historical evidence, that the United States and the Cherokee Nation understood that Article 9 of the 1866 Treaty granted Cherokee citizenship rights to the Freedmen and their descendants.

4. My expert opinion is based on the facts contained in the historical documents referenced in my report and on my background and expertise as a historian.

5. The historical documents underlying my opinions were obtained by me and my colleagues at Historical Research Associates, Inc. (HRA) from a variety of repositories, including the National Archives in Washington, D.C.; the Oklahoma Historical Society in Oklahoma City, OK; the University of Oklahoma; Western History Collections in Norman, OK; and the Cherokee Heritage Center Archives in Tahlequah, OK.

6. The documents that I reviewed were true and correct copies obtained from these archival locations.

7. I provided true and correct copies of these historical documents to the Department of Justice, and it is my understanding that copies of those documents deemed most relevant were attached as exhibits to the Department of the Interior’s Motion for Summary Judgment.

8. I received my Ph.D. in History from Yale University in 1994, and I served as a professor of history at the University of Nebraska at Lincoln from 1995 to 2002. Since 2002, I have worked at HRA, where my projects and research have focused on Native American history and environmental history.

9. At HRA, my clients have included the Department of Justice, the National Park Service, the Department of the Interior, state attorney generals, tribes, and private attorneys.

10. I worked as an expert witness in the following cases: *The Village of Pender, Nebraska, et al. v. Mitch Parker, et al.* (Omaha Tribal Court Civ. No. 08-002); *Stanhope N. Rice, et al. v. Ernest Jones, Sr., et al.* (Yavapai-Prescott Tribal Court No. CV 02-13); *United States v. Newmont USA Limited, et al.* (E.D. Wash. CV-05-020-JLQ); *Seneca-Cayuga Tribe of Oklahoma v. The Town of Aurelius et al.* (N.D.N.Y. 5:03-CV-00690); *Keweenaw Bay Indian Community v. Robert Naftaly, et al.* (W.D. Mich. 2:03-CV-0170); and *In Re: SRBA Case No. 39576, Sub-case Nos. 29-11069 and 29-12877* (Snake River Basin Adjudication).

11. I have written a book titled *Reconfiguring the Reservation: The Nez Perce, Jicarilla Apaches, and the Dawes Act*, which was published by the University of New Mexico Press in 2002, as well as two articles, "On the History of Photography and Site/Sight Seeing at Yellowstone" (*Environmental History*, July 2007) and "Native Americans and the Closing of the Frontier" (in *Retrieving the American Past: A Customized U.S. History Reader*, 2001).

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on this 26 of March 2014.


Emily Greenwald